



PATENT
P-6231-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): SHUKLA, Deepak, et al. Examiner: Leigh C. Maier
Serial No.: 10/069,280 Group Art Unit: 1623
Filed: July 29, 2002
Title: PHARMACEUTICAL PREPARATIONS FOR THE INHIBITION OF
HERPES SIMPLEX VIRUS 1 ENTRY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT IN RESPONSE TO SEPTEMBER 26, 2003 OFFICE
ACTION**

Sir:

This Amendment is filed in response to the Office Action dated September 26, 2003, issued by the United States Patent and Trademark Office in connection with the above-identified Application. A response to the September 26, 2003, Office Action was due December 26, 2003. Applicants are concurrently filing a Petition for a Three-Month Extension of Time. Therefore, a response is now due on March 26, 2004. Accordingly, this Amendment is being timely filed.

Kindly amend the above-identified application as follows:

11/26/2004 PSTANBAC 00000001 050649 10069280

01 FC:1202	324.00 DA
02 FC:1201	86.00 DA
03 FC:1203	290.00 DA

APPLICANT(S): Shukla, et al.
SERIAL NO.: 10/069,280
FILED: July 24, 2002
Page 13

polysaccharide preparation is enriched for polysaccharides produced as a result of 3-OST-3 sulfation. Polysaccharides produced as a result of 3-OST-1 contact with heparin sulfate are not as effective in inhibiting HSV infection.

It would not have been obvious, therefore, to one having ordinary skill in the art, to administer a polysaccharide as taught by the present invention, namely a 3-OST-3 sulfated polysaccharide for the inhibition of HSV infection. Lukas, Larm or Lycke did not teach that 3-OST-3 sulfated polysaccharides would be effective in inhibiting HSV infection, nor did Casu or Rosenberg specifically teach the use of such polysaccharides for the enhanced inhibition of infection, as compared to what is seen with, for example 3-OST-1 sulfated heparin polysaccharides.

Therefore, Applicants respectfully assert that all claims are novel and unobvious, in view of the cited references, as are dependents therefrom. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to the claims.

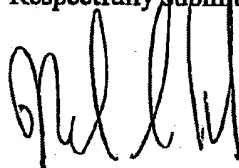
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 05-0649.

APPLICANT(S): Shukla, et al.
SERIAL NO.: 10/069,280
FILED: July 24, 2002
Page 14

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark S. Cohen', written over a horizontal line.

Mark S. Cohen
Attorney for Applicant(s)
Registration No. 42,425

Dated: March 25, 2004

Eitan, Pearl, Latzer & Cohen Zedek, LLP
10 Rockefeller Plaza, Suite 1001
New York, NY 10020
Telephone: (212) 632-3494
Fax: (212) 632-3489